

DEVON AND SOMERSET FIRE AND RESCUE AUTHORITY

CORPORATE GOVERNANCE CODE

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1. **GENERAL INTRODUCTION**

- 1.1 Governance comprises the systems and processes for the direction and control of local authorities through which they account to, engage with and lead their communities.
- 1.2 The Devon and Somerset Fire and Rescue Authority operates through a governance framework which brings together an underlying set of legislative requirements, governance principles and management processes. As a significant public service organisation it is important that the Authority is able to demonstrate that it complies with the principles of good governance.
- 1.3 This Code identifies the six core principles of good governance, their associated supporting principles and the application of these to the Authority. The core principles and supporting principles are adapted from the Good Governance Standard developed by the Independent Commission on Good Governance in Public Services with support from the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Office for Public Management (OPM). These in turn build upon the following “Seven Principles of Public Life” identified by the Committee on Standards in Public Life (the “Nolan Committee”) as applicable to all in public service:-

Selflessness – holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends;

Integrity – holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties;

Objectivity – in carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices on merit;

Accountability – holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office;

Openness – holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands;

Honesty – holders of public office have a duty to declare any private interests relating to their duties and to take steps to resolve any conflicts arising in a way that protects the public interest;

Leadership – holders of public office should promote and support these principles by leadership and example.

- 1.4 The Authority will publish, annually, a Governance Statement on the extent to which it has complied with the six core principles for good governance as set out in this Code, how it has monitored effectiveness of its governance arrangements during the year in question and identifying any changes proposed for the future.

- 1.5 Any documents or plans referred to in this Code may be viewed on the Authority's website. Alternatively, a hard-copy of any such document may be obtained from the Clerk to the Authority on request – either by e-mail (clerk@dsfire.gov.uk) or in writing to Service Headquarters, The Knowle, Clyst St. George, Exeter EX3 0NW.

2. CORE PRINCIPLE A

Good governance means focussing on the Authority's purpose and on outcomes for its service users.

Sub-principles

- Being clear about the Authority's purpose and its intended outcomes for its service users;
- making sure that service users receive a high quality service;
- making sure taxpayers receive value for money.

Application to Authority

- 2.1 The Authority will produce a Corporate Plan setting out a vision and overarching aims for the fire and rescue service together with initiatives proposed for the twelve month period immediately following production of the plan and targets against which performance will be measured. This plan will be subject to annual revision following consultation as appropriate and will comply with all statutory requirements on the production of relevant plans (e.g. Integrated Risk Management Plan and associated yearly Action Plans; Best Value Performance Plan)
- 2.2 The Authority will produce and review annually a Medium Term Financial Plan (MTFP) providing a financial planning framework for at least three years.
- 2.3 The Authority will publish annually an Audited Statement of Accounts, including a Statement of Internal Control, setting out the financial position and performance of the Authority for the previous financial year.
- 2.4 The Authority will have in place a policy for consultation with the public and all relevant stakeholders on all matters for which it has a statutory duty to consult (e.g. future action plans; changes to how services are provided; level of Council Tax precept in any given year).

- 2.5 The Authority will set and publish annual performance targets, following consultation as appropriate. These targets will be subject to regular monitoring – by the Authority’s Audit and Performance Review Committee – and action plans developed as required to address any action that may be necessary to remedy any identified shortfalls in service performance.
- 2.6 The Authority will establish and keep under constant review a Business Continuity Plan.
- 2.7 The Authority will approve an annual, risk-based internal audit plan and receive an annual report on work undertaken against this plan (including measures taken or proposed to address any areas of concern).
- 2.8 The Authority will participate with the Audit Commission on undertaking any relevant value for money studies, as appropriate.
- 2.9 The Authority will co-operate with external audits and inspections as required (e.g. Comprehensive Performance Assessment) and will:-
- publish as required the outcome of any such audit/inspection;
 - respond to the findings and recommendations of any such audit/inspection and put in place arrangements for the effective implementation of agreed actions.
- 2.10 In its partnership working, the Authority will ensure that there is a common vision underpinning the work of the partnership that is understood and agreed by all partners and that this vision is:-
- the driver for deciding what services will be provided/commissioned by the partnership, at what quality and cost;
 - supported by clear and measurable objectives with targets and indicators.

3. CORE PRINCIPLE B

Good governance means performing effectively in clearly defined functions and roles.

Sub-principles

- being clear about the respective roles and functions of the full Authority, its Committees and officers;
- ensuring that a constructive working relationship exists between elected Members and officers and that the responsibilities of both are carried out to a high standard;
- ensuring that relationships between the Authority and the public are clear so that each knows what to expect of the other.

Application to the Authority

- 3.1 The Authority has responsibility for providing for those core functions as set out in the Fire and Rescue Services Act 2004 in relation to fire safety, fire-fighting, road traffic accidents; and for any other emergencies and functions as may be directed by the Secretary of State under the Act. The Authority is responsible for enforcement action under the Regulatory Reform (Fire Safety) Order 2005 and is also a Category 1 responder for the purposes of the Civil Contingencies Act 2004.
- 3.2 The Authority may appoint from its elected Membership Committees to facilitate the effective and efficient delivery of its responsibilities. Such Committees will operate in accordance with relevant legislative requirements (e.g. Access to Information; Freedom of Information) and will be governed by clear Terms of Reference setting out the respective responsibilities of the Committees and any limits on the delegation of authority.
- 3.3 The Authority has a defined constitutional framework and as part of this has – taking account of all appropriate statutory requirements and best practice guidance – developed, approved and keeps under constant review:-
- Standing Orders governing the conduct of business by both the Authority and its Committees; and
 - Financial Regulations for managing the Authority's financial affairs and ensuring that its use of resources is legal, properly authorised, provides value for money and achieves best value;
 - a Scheme of Delegations indicating where officers of the Authority have been authorised to undertake certain decisions on its behalf. This Scheme identifies the officers concerned and the limits of the authority delegated to them.
- 3.4 The Authority has appointed:-
- a Chief Fire Officer (who is also chief executive and Head of Paid Service) responsible to the Authority for all aspects of service management;
 - a Treasurer as the proper officer as required by Section 112 of the Local Government Finance Act 1988 responsible to the Authority for ensuring that appropriate advice is given on financial matters, for keeping proper financial records and accounts and for maintaining an effective system of internal control;
 - a Clerk responsible to the Authority for exercising those functions of Monitoring Officer as required by the Local Government and Housing Act 1989, including ensuring that agreed procedures are followed and that all applicable statutes, regulations and other relevant statements of good practice are complied with.
- 3.5 The Authority will adopt a Member Standard Profile detailing the roles and responsibilities associated with an elected Member on the Authority.

- 3.6 The Authority has in place an Executive Management Board and Service Management Team with identified Terms of Reference and clearly defined roles and responsibilities for the officers on both the Board and the Team – individually and collectively – together with the terms and conditions of their remuneration.
- 3.7 The Authority has in place a scheme for the payment of allowances to elected Members compliant with existing regulations in so far as they apply to combined fire and rescue authorities.
- 3.8 The Authority has in place a robust and dynamic service planning process to ensure that the organisations mission, strategic plans, objectives and targets are developed. This process is complemented and supported by:-
- a defined Strategy governing consultation with the local community and other key stakeholders as appropriate in accordance with statutory requirements and best practice guidance;
 - a mechanism to ensure that the mission, strategic plans, objectives and targets are clearly disseminated and articulated to all levels of the organisation and that relevant actions in support of these are taken at the appropriate level;
 - a mechanism to monitor service delivery and performance against approved targets, with systems in place to redress any deficiencies in performance that may be identified through the monitoring process.
- 3.9 In its partnership working, the Authority will ensure in all instances that appropriate documentation is in place, in the form of a Memorandum of Understanding or other agreement, :-
- identifying the legal status of the partnership;
 - identifying, so as to promote effective leadership and accountability, the agreed roles and responsibilities of each of the partners;
 - identifying the extent to which each organisations representatives on the partnership has the authority to bind their organisation to partner decisions.

4. **CORE PRINCIPLE C**

Good governance means promoting values for the whole organisation and demonstrating the values of good governance through behaviour.

Sub-principles

- ensuring Authority Members and officers exercise leadership by behaving in ways that uphold high standards of conduct and exemplify effective governance;
- ensuring that organisational values are put into practice and are effective.

Application to the Authority

- 4.1 The Authority has adopted the nationally-developed Core Values for the Fire and Rescue Service which influence all of its actions at all levels of the organisation. These values reflect a learning organisation committed to continuous improvement and seek to promote fairness and respect, equality of opportunity, diversity, transparency and accountability of decision making.
- 4.2 The Authority uses these values to act as a guide for decision making and as a basis for developing positive and trusting relationships.
- 4.3 The Authority has adopted a Code of Conduct for Members (as required by the Local Government Act 2000) and has in place a local Code of Conduct for employees. The Authority is committed to adopting the national Model Code of Conduct for Employees (as provided for by the Local Government Act 2000) once issued.
- 4.4 The Authority maintains, as required by legislation, a General Register of Interests for Members and a register to record pecuniary interests by officers in contracts.
- 4.5 In accordance with the requirements of the Local Government Act 2000, the Authority has established a Standards Committee to act as the main means of promoting awareness and taking the lead in ensuring that high standards of conduct by elected Members is firmly embedded within the Authority.
- 4.6 The Authority has developed a constitutional framework including – in addition to the Members Code of Conduct – a Member/Officer protocol; a Strategy for the Prevention and Detection of Fraud and Corruption; a Confidential Reporting Policy (Whistleblowing Code); Standing Orders; Financial Regulations and Procedures; and Procurement and Contract Regulations. This framework is subject to continuous review and puts in place appropriate arrangements and processes to ensure that Members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and external organisations (including providers of goods and services).
- 4.7 Stemming from its Core Values, the Authority has in place a number of internal policies to promote fairness at work, embrace equality and diversity and safeguard against bullying and harassment. It also has in place appropriate policies and procedures to address grievances and disciplinary issues. All such policies have been designed in compliance with appropriate ethical standards and embedding principles of natural justice. Procedures also exist to ensure that all new policies are subject to appropriate ethical evaluation (e.g. equality impact assessment) prior to implementation.
- 4.8 In pursuing its partnership activities, the Authority will agree with its partners a set of values against which decision making and actions can be judged. These values will be dynamic and demonstrated by each of the partners' behaviour, both individually and collectively.

5. **CORE PRINCIPLE D**

Good governance means taking informed, transparent decisions and managing risk

Sub-principles

- exercising leadership by being rigorous and transparent about how decisions are taken;
- having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs;
- making sure that an effective risk management system is in place;
- recognising the limits of lawful action and observing both the specific requirements of legislation and the general responsibilities placed on the Authority by public law, but also accepting responsibility to use its powers to the full benefit of the citizens and communities served by the Authority.

Application to the Authority

- 5.1 All meetings of the full Authority and any of its Committees/Sub-Committees will operate in accordance with relevant legislative requirements (e.g. Access to Information; Freedom of Information) and will be governed by clear Terms of Reference setting out the respective responsibilities of the Committees and any limits on the delegation of authority.
- 5.2 Written reports submitted to meetings of the full Authority and any of its Committees/Sub-Committees contain sufficient information – including all appropriate legal and financial implications – to facilitate reasoned and informed decision making.
- 5.3 The Authority has in place arrangements and processes to ensure that professional advice on legal and financial matters is available as required to facilitate effective and efficient decision making.
- 5.4 The Authority has appointed:-
 - a Treasurer as the proper officer as required by Section 112 of the Local Government Finance Act 1988 responsible to the Authority for ensuring that appropriate advice is given on financial matters, for keeping proper financial records and accounts and for maintaining an effective system of internal control;
 - a Clerk responsible to the Authority for exercising those functions of Monitoring Officer as required by the Local Government and Housing Act 1989, including ensuring that agreed procedures are followed and that all applicable statutes, regulations and other relevant statements of good practice are complied with.

- 5.5 The Authority ensures, through the activities of its Standards Committee and by other, bespoke training events, that elected Members recognise the limits of lawful activity placed upon them by the ultra vires doctrine and that the key principles of administrative law – rationality, legality and natural justice – are fully integrated into the Authority’s decision making processes.
- 5.6 The Authority has established procedures and processes to manage performance against defined criteria and targets.
- 5.7 The Authority has in place a risk management strategy providing a logical and systematic method of establishing the context, identifying, analysing, evaluating, treating, monitoring and communicating risks associated with any activity, function or process in a way to enable the organisation to minimise losses and maximise opportunities. This strategy:-

- identifies corporate risks and risks associated with organisational activities;
- assesses the risks for likelihood and impact; and
- identifies and allocates responsibility for mitigating controls.

The strategy is reviewed and updated annually and also provides for risk management awareness training for elected Members and relevant training and guidance for all appropriate staff to enable them to take responsibility for managing risk within their own working environment.

As part of the strategy the Authority maintains and reviews a register of corporate business risks linking them to strategic objectives and assigning ownership for each risk.

- 5.8 As required by Regulation 4(1) of the Accounts and Audit Regulations 2003, the Authority has in place a sound system of internal control which facilitates the effective exercise of the Authority’s functions and which includes arrangements for the management of risk. A Statement of Internal Control (SIC) is published annually together with the Statement of Accounts for the Authority.
- 5.9 The Authority will have an Audit and Performance Review Committee with responsibility for overseeing, amongst other things, performance and risk management for the Authority.
- 5.10 The Authority in its partnership working will:-
- ensure that protocols are in place to reflect the shared understanding and respective roles and responsibilities of each partner organisation;
 - ensure that decisions and behaviour in relationship to the partnership are compliant either with the Authority’s codes of conduct or any rules/codes developed for the purpose of the partnership;
 - seek to ensure that the partnership receives good quality advice and support and information about the views of citizens and stakeholders to facilitate effective and robust decision making.

6. **CORE PRINCIPLE E**

Good governance means developing the capacity and capability of the governing body to be effective

Sub-principles

- Making sure that elected Members and officers have the skills, knowledge, experience and resources they need to perform well in their roles;
- developing the capability of people with governance responsibilities and evaluating their performance.

Application to the Authority

6.1 The Authority will implement a dynamic Member Development Strategy providing for:-

- An assessment of Member training needs;
- Training and developmental opportunities – delivered both internally and in conjunction with relevant external initiatives (e.g. South West Fire and Rescue Services Regional Capacity Building Fund bid) – designed to address these needs.

6.2 The Authority will ensure that its statutory officers (Treasurer and Monitoring Officer) have access to appropriate training and developmental opportunities – via appropriate formal courses and networking opportunities with peers in other local authorities – to maintain currency and competence in delivering to the Authority the functions for which they are responsible.

6.3 The Authority has in place a training and development policy ensuring that all staff have opportunity to access appropriate developmental opportunities.

6.4 The Authority will operate a process to identify and address individual training and developmental needs linked to organisational goals and objectives.

6.5 In its partnership working the Authority will seek to ensure that the capacity and capability requirements of the partnership in question have been clearly identified with plans in place to address any gaps that may exist.

7. **CORE PRINCIPLE F**

Good governance means engaging stakeholders and making accountability real

Sub-principles

- Taking an active and planned approach to dialogue with and accountability to the public;
- Taking an active and planned approach to responsibility to staff and engaging effectively with organisational stakeholders

Application to the Authority

- 7.1 The Authority will develop a comprehensive and dynamic Consultation Policy informing:-
- the identification of all relevant issues which should be subject to consultation – either as required by statute or as considered best practice;
 - aligned to this, the identification of those communities, stakeholders and other interested parties, both internal and external, with whom consultation should be undertaken;
 - the identification of consultation processes both appropriate and proportionate to the issue(s) subject to consultation and the consultee(s).
- 7.2 The Authority will establish appropriate Industrial Relations machinery for the recognition of staff representative bodies and to facilitate effective and efficient information sharing, consultation and negotiation (as appropriate) between management and representative bodies.
- 7.3 The Authority will develop a comprehensive and dynamic Communications Policy to promote effective and efficient communications both internally and externally.
- 7.4 The Authority has in place a policy for the receipt, investigation and resolution of complaints from the communities it serves, together with internal processes (e.g. Strategy for the Prevention and Detection of Fraud and Corruption; Confidential Reporting Policy) designed to ensure due probity and accountability.
- 7.5 The Authority will seek to ensure that any engagement and consultation undertaken by any partnership on which it is represented is planned with regard to methodology, target audience and required outcomes.

APPENDIX TO CORPORATE GOVERNANCE CODE

List of Principal Documents in Support of Corporate Governance Arrangements

1. Devon and Somerset Fire and Rescue Authority Constitutional Framework
 - (a). The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006;
 - (b). Standing Orders;
 - (c). Financial Regulations;
 - (d). Financial Procedures;
 - (e). Treasury Management Policy;
 - (f). Procurement and Contract Regulations;
 - (g). Procurement and Contract Procedures;
 - (h). Scheme of Delegations;
 - (i). Strategy for the Prevention and Detection of Fraud and Corruption;
 - (j). Confidential Reporting Policy (“Whistleblowing” Code);
 - (k). Committee etc. Terms of Reference;
 - (l). Code of Conduct for Members of the Devon and Somerset Fire and Rescue Authority;
 - (m). Policy on Gifts and Hospitality;
 - (n). Member/Officer Protocol;
 - (o). Scheme of Allowances for Members of the Devon and Somerset Fire and Rescue Authority.
2. Devon and Somerset Fire and Rescue Authority Corporate Plan
3. Consultation Policy
4. Medium Term Financial Plan
5. Risk Management Strategy
6. Business Continuity Plan
7. Communications Policy
8. Member Development Strategy
9. Agreed Industrial Relations Framework
10. Human Resources and Management Development Strategy
11. Partnership Framework
12. Employee Code of Conduct